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REMARKS

Summary of the Amendment

Upon entry of the above amendment, claims 1, 3, 12 and 15 will have been amended. Accordingly, claims 1-16 will be pending with claims 1, 12, 15 and 16 being in independent form.

Summary of the Official Action

In the instant Office Action, the Examiner rejected claims 1-3, 5-9, 11, 13 and 14 over the art of record. Finally, the Examiner indicated that claims 4, 10, 12, 15 and 16 contain allowable subject matter and would be allowable if presented in independent form. By the present amendment and remarks, Applicant submits that the rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

Acknowledgment of Allowable Subject Matter

Applicant acknowledges and appreciates the Examiner's indication that claims 4, 10, 12, 15 and 16 contain allowable subject matter and would be allowable if presented in independent form. However, Applicant notes that claim 16 was previously presented in independent form and should have been indicated to be allowed. Moreover, by this

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Amendment, Applicant is presenting claims 12 and 15 independent form (with additional amendments thereto). On the other hand, at this time, Applicant is not presenting claims 4 and 10 in independent form because it is believed that claim 1, from which these claims depend, is allowable over the art of record.

Traversal of Rejections Under 35 U.S.C. § 102(b)

Applicant traverses the rejection of claims 1, 3, 6-9, 11, 13 and 14 under 35 U.S.C. § 102(b) as being anticipated by DE 24 45 602 to SHORTRIDGE et al.

Applicant also traverses the rejection of claims 1, 3, 5-9, 11, 13 and 14 under 35 U.S.C. § 102(b) as being anticipated by GB 835 670 to ZAPP.

The Examiner asserts that each of SHORTRIDGE and ZAPP fairly disclose all the features recited in these claims. Applicant respectfully traverses each of these rejections.

Applicant submits that each of SHORTRIDGE and ZAPP fails to disclose the invention as defined by at least independent claim 1 as amended. Notwithstanding the Office Action assertions as to what each of these documents disclose, Applicant submits that each of these documents lacks, *inter alia*, a device for controlling and/or regulating a moisture cross direction profile and at least one of a rate of flow of said nozzle units and a speed of movement of said nozzle units, as recited in amended claim 1.

Applicant notes that Fig. 1 of SHORTRIDGE apparently discloses nozzles 28 which

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are movably guided on a belt 9. However, it is not apparent that this document discloses *a device for controlling and/or regulating a moisture cross direction profile and at least one of a rate of flow of said nozzle units and a speed of movement of said nozzle units.* Accordingly, Applicant submits that this document cannot be said to disclose, or even suggest, the combination of features recited in claim 1, as amended.

Applicant notes that Figs. 1 and 2 of ZAPP apparently discloses nozzles 6 which are mounted to rotating guide 4/5. However, Applicant submits that this document fails to disclose *a device for controlling and/or regulating a moisture cross direction profile and at least one of a rate of flow of said nozzle units and a speed of movement of said nozzle units.* Accordingly, Applicant submits that this document cannot be said to disclose, or even suggest, the combination of features recited in claim 1, as amended.

Applicant notes that, for an anticipation rejection under 35 U.S.C. § 102 to be proper, each element of the claim in question must be disclosed in a single document, and if the document relied upon does not do so, then the rejection must be withdrawn.

Because this document fails to disclose at least the above mentioned features as recited in at least independent claim 1, Applicant submits that this document does not disclose all the claimed features recited in at least amended independent claim 1.

Furthermore, Applicant submits that dependent claims 3, 5-9, 11, 13 and 14 are allowable at least for the reason that these claims depend from an allowable base claim and

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because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper reading of either SHORTRIDGE or ZAPP discloses or suggests, in combination: that the element of the paper making machine further comprises a web being subjected to a moistening cross direction profile by the nozzle units which rotate at a rotation speed and deliver a rate of flow to the web as recited in claim 3; that the distances between the nozzle units are equal as recited in claim 5; the nozzle units rotate at reciprocally constant distances from one another as recited in claim 6; that the nozzle units rotate continuously as recited in claim 7; that the machine has a width and said rotating path extends at least essentially over the entire machine width as recited in claim 8; that each of said nozzle units includes at least one nozzle as recited in claim 9; that each of said nozzle units includes at least one nozzle as recited in claim 11; that nozzle units are fed with at least one of water and at least one chemical conditioning agent as recited in claim 13; and that said first direction is reversed at a reversal point after a complete rotation of said nozzle units as recited in claim 14.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejections of the above-noted claims under 35 U.S.C. § 102(b).

Traversal of Rejections Under 35 U.S.C. § 103(a)

Applicant traverses the rejection of claim 2 under 35 U.S.C. § 103(a) as being

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unpatentable over SHORTRIDGE alone.

Applicant also traverses the rejection of claim 2 under 35 U.S.C. § 103(a) as being unpatentable over ZAPP alone.

The Examiner acknowledged that each of SHORTRIDGE and ZAPP lacks any disclosure to a paper making machine. However, the Examiner asserted that it would have been obvious to use the disclosed devices on a paper making machine. Applicant respectfully traverses these assertions and the rejections.

Notwithstanding the Office Action assertions as to what these documents disclose or suggest, Applicant submits that no proper modification of either of these documents discloses or suggests, *inter alia*, a device for controlling and/or regulating a moisture cross direction profile and at least one of a rate of flow of said nozzle units and a speed of movement of said nozzle units, as recited in amended claim 1.

As explained above, Applicant does not dispute that Fig. 1 of SHORTRIDGE apparently discloses nozzles 28 which are movably guided on a belt 9. However, it is not apparent that this document discloses a device for controlling and/or regulating a moisture cross direction profile and at least one of a rate of flow of said nozzle units and a speed of movement of said nozzle units. Accordingly, Applicant submits that this document cannot be said to disclose, or even suggest, the combination of features recited in claim 1, as amended.

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Similarly, Applicant does not dispute that Figs. 1 and 2 of ZAPP apparently discloses nozzles 6 which are mounted to rotating guide 4/5. However, Applicant submits that this document fails to disclose *a device for controlling and/or regulating a moisture cross direction profile and at least one of a rate of flow of said nozzle units and a speed of movement of said nozzle units*. Accordingly, Applicant submits that this document cannot be said to disclose, or even suggest, the combination of features recited in claim 1, as amended.

Because each of the applied documents fails to disclose or suggest at least the above-noted features of the instant invention, Applicant submits that no proper modification of either of these documents can render unpatentable the combination of features recited in at least independent claim 1.

Further, even assuming, *arguendo*, that it would have been obvious to modify each of these documents for use on a paper making machine, (which Applicant submits it would not be), Applicant notes that such a modification would nevertheless fail to result in a device that includes the particular combination of features recited in amended claim 1. Moreover, Applicant submits that there is no motivation to modify either of these documents in a manner which would render obvious Applicant's invention.

Applicant reminds the Examiner of the guidelines identified in M.P.E.P section 2141 which state that "[i]n determining the propriety of the Patent Office case for obviousness in

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the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification." *In re Linter*, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972).

As this section clearly indicates, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992)."

Moreover, it has been legally established that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." 916 F.2d at 682, 16 USPQ2d at 1432.). See also *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992) (flexible landscape edging device which is conformable to a ground surface of varying slope not suggested by combination of prior art references).

Additionally, it has been held that "[a] statement that modifications of the prior art to

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meet the claimed invention would have been "" well within the ordinary skill of the art at the time the claimed invention was made"" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993)."

Thus, Applicant submits that there is no motivation or rationale disclosed or suggested in the art to modify the applied reference in the manner asserted by the Examiner. Nor does the Examiner's opinion provide a proper basis for these features or for the motivation to modify this document, in the manner suggested by the Examiner. Therefore, Applicant submits that the invention as recited in at least independent claim 1 is not rendered obvious by any reasonable inspection and interpretation of the disclosure of the applied reference.

Further, Applicant submits that claim 2 is allowable at least for the reason that this claim depends from an allowable base claim and because this claim recites additional features that further define the present invention. In particular, Applicant submits that no proper modification of SHORTRIDGE and ZAPP discloses or suggests, in combination that the machine comprises a paper making machine as recited in claim 2.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejection of this claim under 35 U.S.C. § 103(a) and indicate that this claim is allowable.

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Thus, Applicant respectfully submits that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully requests the Examiner to indicate allowance of each and every pending claim of the present invention.

Comments on Reasons for Allowance

In response to the Statement of Reasons for Allowance set forth in the Office Action, Applicant wishes to clarify the record with respect to the basis for the patentability of the indicated claims in the present application. In this regard, while Applicant does not disagree with the Examiner's indication that certain identified features are not disclosed by the references, Applicant submits that the claims in the present applicant recite a combination of features, and that the basis for patentability of these claims is based on the totality of the recited features.

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicant's invention, as recited in each of the pending claims. The applied references of record have been discussed and distinguished, while significant claimed features of the

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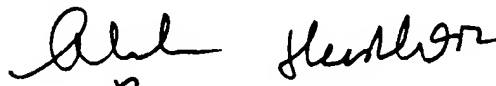
present invention have been pointed out.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

The Commissioner is hereby authorized to refund excess payments and charge any additional fee necessary to have this paper entered to Deposit Account No. 19-0089.

Should there be any questions, the Examiner is invited to contact the undersigned at the below listed number.

Respectfully submitted,
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